

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
SEPTEMBER 15, 2003**

The Tippecanoe County Commissioners met on Monday, September 15, 2003 at 10:00 A.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson and Vice President Ruth E. Shedd. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr. (Commissioner John L. Knochel was absent.)

President Benson called the meeting to order and led the Pledge of Allegiance.

***MOMENT OF SILENCE: To Honor the Memory of Governor Frank O'Bannon***

President Benson then announced the Tippecanoe County Commissioners join with others in our county to extend our sympathies to Mrs. O'Bannon and the O'Bannon Family. She said Governor O'Bannon was instrumental in helping Tippecanoe County, Purdue University, and Ivy Tech State College during his terms as Lieutenant Governor and Governor. As an advocate for education and as a kind and decent man who devoted his life to public service, he will be missed. President Benson asked all to join in a moment of silence to honor his memory.

***APPROVAL OF MINUTES***

- Commissioner Shedd moved to approve the minutes of the August 21, 2003 Special Joint Meeting with the County Council, the August 25-26, 2003 Special Meeting, the August 29, 2003 Special Meeting, and the September 3, 2003 Regular Meeting, seconded by Commissioner Benson; motion carried.

***APPROVAL OF ACCOUNTS PAYABLE VOUCHERS***

- Upon the recommendation of Commissioners' Assistant Weston, Commissioner Shedd moved to approve the Accounts Payable Vouchers as submitted for the periods ending September 5, 2003, September 12, 2003, and September 15, 2003 with no exceptions, seconded by Commissioner Benson; motion carried.

***HIGHWAY: Executive Director Mark Albers***

**SHAW FARMS LLC McCARTY LANE SETTLEMENT**

Mr. Albers explained the County agreed to sign a right-of-entry with the Shaws on April 1, 2001 in regards to the McCarty Lane construction between CR 500 E and CR 550 E. Included in the right-of-entry is a permanent right-of-way containing 3.738 acres, a permanent easement containing .454 acres, and a temporary right-of-way containing 1.864 acres encompassing the north and south side of McCarty Lane to the west of Interstate 65. A check to Shaw Farms LLC for the settlement amount of \$210,000 is due on the September 29, 2003 closing date. He noted there is a \$500 per day late payment penalty.

- Commissioner Shedd moved to approve the settlement with Shaw Farms LLC for the McCarty Lane Project, seconded by Commissioner Benson; motion carried.

**WARRANTY DEEDS: CR 200 N Project  
TEMPORARY GRANT OF RIGHT-OF-WAY**

Mr. Albers submitted for acceptance the following Warranty Deeds and a Temporary Grant of Right-of-Way for the CR 200 N Project.

Warranty Deeds:

Key #114-03700-0088: Parcel 4; A part of the NW ¼ of Sec 18, Twp 23 N, R 3 W of the second principal meridian, in Perry Twp from Betty Lee Polk.

Key #112-00700-0600: Parcel 13; A part of the SW Frac  $\frac{1}{4}$  of Sec 7, Twp 23 N, R 3 W of the second principal meridian, in Perry Twp from Jose L. and Maria I. Orozco.

Key #114-03701-0032

Key #114-03701-0043: Parcel 19; A part of lot 2 and also lot 3 in Jay-Bee SD as platted upon part of the E $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Sec 18, Twp 23 N, R 3 W of the second principal meridian in Perry Twp from Ralph C. & Phyllis A. Kochert.

Temporary Grant of Right-of-Way:

Key #114-03701-0032

Key #114-03701-0043: Parcel 19A; A part of lot 3 in Jay-Bee SD as platted upon part of the E $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Sec 18, Twp 23 N, R 3 W of the second principal meridian in Perry Twp from Ralph C. & Phyllis A. Kochert.

- Commissioner Shedd moved to accept the Warranty Deeds and Temporary Grant of Right-of-Way for the CR 200 N Project, seconded by Commissioner Benson; motion carried.

#### **UTILITY MAINTENANCE BOND: CenturyTel of Central Indiana, Inc.**

- Commissioner Shedd moved to approve 3 year Utility Maintenance Bond #6229419 for CenturyTel of Central Indiana, Inc. in the amount of \$5,000 for work in County right-of-ways, seconded by Commissioner Benson; motion carried.

#### **STREET ACCEPTANCE: Hickory Hills 3<sup>rd</sup> SD Ph I, Sec 2**

#### **LETTER OF CREDIT: #51004885, Eagle's Nest, Inc.**

Mr. Albers recommended acceptance of the following streets located in Hickory Hills 3<sup>rd</sup> SD Ph I, Sec 2

Frederick Drive 1,142.09' Asphalt

Lux Lane 145.29' Asphalt

- Commissioner Shedd moved to accept the Streets in Hickory Hills 3<sup>rd</sup> SD Ph 1, Sec 2 as presented into the County Highway System, seconded by Commissioner Benson; motion carried.
- Commissioner Shedd moved to accept Letter of Credit #51004885 in the amount of \$12,630 for Eagle's Nest, Inc., seconded by Commissioner Benson; motion carried.

#### **FLOOD DAMAGE UPDATE**

Mr. Albers reported the total damage amount approved by FEMA for our non-federal aid roadway system corridors and bridges totaled \$168,369 of which 75% will be reimbursed. This amount is for damage sustained during the July 4, 2003 Flood plus money for mitigation projects to prevent future damages.

#### **CERTIFICATES OF INSURANCE**

- Safeco Business Insurance, Fireman's Fund Insurance for Poindexter Excavating, Inc
- National Indemnity Company for W & W Trailer Sales, Inc
- Cincinnati Insurance, Accident Fund for Downham Custom Homes, Etal
- State Farm Fire and Casualty Company for Mayne Homes
- Hastings Mutual for Barry Roberts
- Indiana Farmers Mutual Ins Co for Josh Krachinski dba Custom Construction
- Indiana Insurance Group for Scott Contracting Inc
- National Indemnity Company, The Travelers Indemnity Co of Illinois, Lloyd's of London for Acme Transportation, Inc, Acme Express, A div of Acme Transportation
- Grinnell Mutual Reinsurance for Doug Merrill DBA Merrill Construction

**ACCOUNTS PAYABLE VOUCHER: Shaw Farms LLC Settlement**

Mr. Albers requested approval of the Accounts Payable Voucher for Shaw Farms LLC so he will have a check for the closing on September 29<sup>th</sup> for the McCarty Lane Project.

- Commissioner Shedd moved to approve the Accounts Payable Voucher for Shaw Farms LLC in the amount of \$210,000 for the McCarty Lane Project, seconded by Commissioner Benson; motion carried.

***PROCLAMATION: Constitution Week: Diana McMaster***

Representing the Daughters of the American Revolution, Diana McMaster reported the Constitution was signed on September 17, 1787 and was ratified by nine states by 1788. She said the Constitution gives us an owner's manual to the greatest form of government ever known. The President proclaimed September 17 as Constitution Day and September 17 through 23 as Constitution Week. Ms McMaster said they have no planned activities but are trying to get publicity for Constitution Week.

Commissioners Shedd and Benson read the following Proclamation:

(quote)

***PROCLAMATION***

**WHEREAS**, September 17, 2003 marks the two hundred sixteenth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention;  
and

**WHEREAS**, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion, and

**WHEREAS**, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designation September 17 through 23 as Constitution Week.

**NOW, THEREFORE WE**, by virtue of the authority vested as County Commissioners of Tippecanoe County do hereby proclaim the week of September 17 through 23 as

***CONSTITUTION WEEK***

and urge all citizens to study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Board of Commissioners of Tippecanoe County to be affixed this 15th day of September 2003.

\_\_\_\_\_  
KD Benson, President

\_\_\_\_\_  
Ruth E. Shedd, Vice President

\_\_\_\_\_  
John Knochel, Member

(unquote)

***PROSECUTOR: Survivors' Tree: Prosecutor Jerry Bean & Victims' Advocate Kris Emerson***

Since October is National Domestic Violence Awareness Month, Mr. Bean said the Prosecutor's Victim Assistance Program would like to construct a Survivor's Tree that will be on display in the Courthouse from

October 1 through October 31. They plan to use a deciduous tree that will be decorated with ornaments made by families and victims of domestic violence as well as sexual assault and other violent crimes. Mr. Bean requested permission to place the tree on the first floor of the Main Street side of the Courthouse in time for the Proclamation Ceremony on October 1. Mr. Bean said he will prepare the Proclamation.

Attorney Luhman was asked to prepare a resolution giving the Victim Assistance Program permission to place the Survivor's Tree in the Courthouse for approval at the Commissioners' October 6<sup>th</sup> meeting. The Commissioners have approved similar resolutions giving permission for other events to be held in the Courthouse.

- Commissioner Shedd said she would be honored to approve the observance of National Domestic Violence Awareness Month and approve the request to display the Survivor's Tree in the Courthouse during the month of October, seconded by Commissioner Benson; motion carried.

***FAIRGROUNDS: Caretaker Ben Anderson***

Mr. Anderson requested permission to purchase and erect a 12' x 16' shed at his own expense behind the Caretaker's House to serve as storage and a play area for his children. He said there is sufficient room in the yard within the fenced area around the house. He plans to construct it on skids so he can take it with him if he moves.

Attorney Luhman advised creating an addendum to the Caretaker's Lease to cover the storage shed.

- Commissioner Shedd said she would like to be sure there is sufficient space for the shed and moved to table the request until the October 6, 2003 meeting, seconded by Commissioner Benson; motion carried.

***HEALTH DEPARTMENT: WIC Lease: Executive Assistant Ron Cripe***

Mr. Cripe explained that WIC currently leases space in the Community Health Clinic but, due to the Clinic's expansion, WIC must find another space to lease. Greater Lafayette Health Services, located a short distance away at 1322 Tippecanoe Street, agreed to a five (5) year lease with WIC for 2,850 sq. ft. Mr. Cripe reported the State is requiring additional language saying the Lease can be terminated with 30 days notice if Federal funds are no longer available for the WIC Program.

- Commissioner Shedd moved to approve the Lease with Greater Lafayette Health Services for WIC subject to amending it to include the Lease can be terminated with 30 days notice if Federal funds are no longer available, seconded by Commissioner Benson; motion carried.

***LETTER SUPPORTING CITY OF LAFAYETTE RESOLUTION: Property Tax Relief: City Clerk Lisa Decker***

Lafayette City Clerk Lisa Decker requested the Commissioners' support of Resolution 2003-21 recently adopted by the Lafayette Common Council regarding property tax payment relief.

Attorney Luhman stated the County Council approved sending a letter supporting the Resolution at their September meeting. He said the Commissioners can be included if they choose. He read the proposed letter:

(Quote)

Indiana Department of Local Government Finance  
N1058 Government Center N  
100 N Senate Avenue  
Indianapolis, IN 46204-2011

September 10, 2003

The Tippecanoe County Commissioners and Tippecanoe County Council enthusiastically support the principal of

providing relief to low income and retired taxpayers and senior citizens hardest hit by the sudden impact of increased property tax liabilities resulting from the 2002 reassessment, as expressed in Resolution No. 2003-21, recently adopted by the Common Council of the City of Lafayette.

We urge the Indiana General Assembly and the Indiana Department of Local Government Finance to promptly enact and approve such changes in the property tax payment system as may be reasonable and practical to provide much needed relief to those taxpayers hardest hit by reassessment.

KD Benson, President  
Board of Commissioners  
of Tippecanoe County

Connie Basham, President  
Tippecanoe County Council

(unquote)

- Commissioner Shedd moved to approve the letter and authorize the President to sign, seconded by Commissioner Benson; motion carried.

***RESOLUTION 2003-30-CM: Affirming Hoosier Heartland Corridor***

Attorney Luhman read Resolution 2003-30-CM that will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

County Highway Executive Director Mark Albers stated the traffic volume on CR 300 N just east of existing SR 25 has increased to over 4,000 vehicles per day since the State's study was completed. In his opinion, it is shortsighted to cut that amount of traffic off without providing a more convenient way to East Tipp and Hershey Schools as well as other locations to the East. He agreed with the Resolution.

- Commissioner Shedd moved to approve Resolution 2003-30-CM, seconded by Commissioner Benson; motion carried.

***REPORTS***

Reports from the Health Department and Community Corrections are on file in the Commissioners' Office for review.

***PUBLIC COMMENT***

None.

***ADJOURNMENT***

- Commissioner Shedd moved to adjourn, seconded by Commissioner Benson; motion carried.

**BOARD OF COMMISSIONERS OF  
THE COUNTY OF TIPPECANOE**

\_\_\_\_\_  
KD Benson, President

\_\_\_\_\_  
Ruth E. Shedd, Vice President

\_\_\_\_\_  
John L. Knochel, Member

**ATTEST:**

\_\_\_\_\_  
Robert A. Plantenga, Auditor